

ZULMA V. FARBER
ATTORNEY GENERAL OF NEW JERSEY
R.J. Hughes Justice Complex
25 Market Street
PO Box 093
Trenton, NJ 08625-0093
Attorney for Plaintiff
State of New Jersey, Department of Environmental Protection

FILED

JUN 22 2006

William C. Todd III, P.J.Ch.

By: Christopher D. Ball
Deputy Attorney General
(609) 292-6945

THE STATE OF NEW JERSEY,
NEW JERSEY DEPARTMENT
OF ENVIRONMENTAL
PROTECTION,

Plaintiff,

v.

J.P. RAIL, INC., a Pennsylvania
Corporation, d/b/a SOUTHERN
RAILROAD COMPANY OF NEW
JERSEY, and SOUTHERN RAILROAD
OF NEW JERSEY LOGISTICS, and
MAGIC DISPOSAL, INC.

Defendants.

SUPERIOR COURT OF NEW JERSEY -
ATLANTIC COUNTY

CHANCERY DIVISION

DOCKET NO: C-41-06

ORDER FOR PRELIMINARY
INJUNCTION

THIS MATTER having come before the Court upon the application for preliminary injunction of the Plaintiff, New Jersey Department of Environmental Protection, on notice to Defendants J.P. Rail, Inc., SRNJ Logistics, Inc. and Magic Disposal, Inc.; and the Court on June 16, 2006 having considered the submissions of the parties and heard the arguments of counsel; and the Court having determined as a matter of law that

the Interstate Commerce Commission Termination Act, 49 U.S.C. § 10501 et seq., does not preempt state regulation of the processing of solid waste, and having concluded that issue as a matter of first impression; and the Court further having concluded that there is substantial risk of irreparable injury to the public interest should the restraints not be entered and good cause having been shown; and the Court having issued a ruling from the bench on June 16, 2006:

IT IS on this 17th day of JUNE 2006, ORDERED THAT:

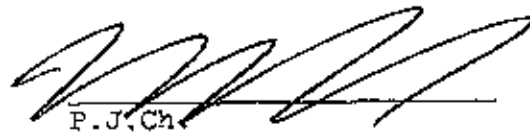
1. Defendants J.P.Rail, Inc., SRNJ Logistics, Inc. and Magic Disposal are enjoined until further order of the Court from the processing of solid waste at the Facility located at 16 N. Franklin Boulevard, Pleasantville City, New Jersey (the "Facility"), including but not limited to the disposal, sorting, processing, grinding, crushing, aggregating, segregating, and/or baling of solid waste prior to loading the waste into rail cars or containers for rail shipment; and

2. Upon a motion for leave to appeal filed by Defendants pursuant to R. 2:5-6, this Order shall be stayed, becoming effective again thirty (30) days after either of the following actions taking place:

A. Entry of an Order by the Appellate Division denying Defendants' motion for leave to appeal.

B. Entry of a Final Decision by the
Appellate Division upholding the
preliminary injunction against
Defendants;

3. Absent a motion for leave to appeal, the
provisions of this Order shall be effective forty-five (45) days
from the date of the entry of this Order at 5:00 p.m. on August
4, 2006.



P.J. Ch.